

**VILLAGE OF COMMERCIAL POINT  
COUNCIL MEETING MINUTES  
November 3, 2014**

Mayor Hammond called the meeting to order, followed by the Pledge of Allegiance. Mayor Hammond then asked for a Moment of Silence to honor our Men and Women; Past and Present; for their Military Service to our Country. Fiscal Officer Hastings took roll call with the following members present: Mr. Sadler, Mr. Geiger, Mr. Wissinger, Mr. Shelton, Ms. Evans and Mr. Laxton. Solicitor Hess, Chief Jordan and Engineer Grosse were also in attendance.

Mr. Wissinger made a motion, seconded by Mr. Sadler to approve the September 8, 2014 Regular Council Meeting Minutes. All members were in favor with the exception of Ms. Evans and Mr. Shelton who abstained. The motion passed. Mr. Wissinger made a motion, seconded by Mr. Geiger to approve the September 22, 2014 Special Council Meeting Minutes. All members were in favor with the exception of Mr. Shelton who abstained. The motion passed. Mr. Shelton made a motion, seconded by Ms. Evans to approve the October 6, 2014 Regular Council Meeting Minutes. All members were in favor with the exception of Mr. Wissinger who abstained. The motion passed.

**Administrative Reports:**

A. Mayor's Report – Mayor Hammond reported there was a Finance meeting this past Saturday to go over the temporary budget. He said things are going well and he knows of nothing at this point that needs attention.

B. Village Engineer's Report – Engineer Grosse updated Council on a few things. He said there have been two wells drilled that did not produce the quantity that we were looking for. He said a third test well was drilled and it is showing a lot of potential. He said according to the well driller and the hydro geologist this third well could produce between 300 and 400 gallon per minute. Engineer Grosse said the total cost of putting in the third well is \$ 18,000. He said we have \$ 7,400 left in our budget from the previous quoted price that we did not spend. Engineer Grosse said we need approximately \$ 3,400 additional dollars to do the testing out of the 5" well. He said if we can get 200 gallons per minute pumping through a 5" test well, and our production well will be a 12" well, he is hopeful to get 500 – 600 gallons per minute out of it. Engineer Grosse said this is the range that we are hoping for. He said currently, we are getting 400 gallon per minute pumping through our existing wells. Mayor Hammond asked Engineer Grosse if we were not going to look at using the first well that was drilled where water was found. Engineer Grosse said that is being used for sampling the quality of water and not for pumping. He said the 5" test well has two aquifers and he prefers to get what we need from the deeper aquifer. He said it is less apt to get influence from the river. If we do reach a well that is influenced from the river, we will abandon it because it is then surface water and our plant is not set up for that. Engineer Grosse said he is wanting to get some type of decision for the land owner by the end of the year. He is looking for approval from Council to approve the additional money to continue on with the testing of this third well. If approved, more testing will be done this week with results coming in before Thanksgiving. If the results are what we are hoping for, we will be able to authorize moving forward with the big well. The total cost for the 12" well is between \$ 60,000 and \$ 70,000. Ms. Evans asked if this money was coming out of the Water Fund. Fiscal Officer Hastings said yes and that Council set aside money for the drilling of the wells. Mr. Shelton made a motion, seconded by Mr. Geiger to approve the additional \$ 3,500 for the test wells. A roll call vote was taken: Mr. Laxton – Yes; Mr. Geiger – Yes; Mr. Sadler – Yes; Mr. Shelton – Yes; Ms. Evans – Yes, Mr. Wissinger – Yes. The motion passed.

Engineer Grosse asked Council how they wanted to proceed with the gate at the entrance to West Middle School. He wants to know if this is something Council wants to move forward with or not. He said the total cost was \$ 543 to move the gate to our right away line. This would not be on the school property anymore. He said he feels this isn't something that we are doing for the school, but for our resident's safety. He wants to know from Council if it is a dead issue or do they want to move forward with the project. Mr. Sadler asked if the \$ 543 was the total cost to move the gate and if we were using the existing equipment. Engineer Grosse said that was correct. Engineer Grosse said we are still going to be putting up concrete bollards at the end of the driveway that goes back to our lift station. He said moving this gate would tie into this project to help keep people from driving around the closed gates. Mr. Shelton asked if the bollards had already been purchased. Engineer Grosse said they had. Mr. Shelton asked if the responsibility of opening and closing the gates would change. Engineer Grosse recommended keeping that with the school personnel. He said we are just moving it to restrict traffic, not take ownership of it. Mr. Sadler asked if the school owns the gate. Engineer Grosse said that was correct. Mr. Sadler asked if the school was OK with us moving their gate. Engineer Grosse said he has a letter from the school that they are 100% behind us. They even gave

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us the name of the contractor who put the gate up initially. Mr. Shelton made a motion, seconded by Mr. Laxton to move forward with this project and spend the \$ 543 to move the gate. A roll call vote was taken: Mr. Laxton – Yes; Mr. Geiger –Yes; Mr. Sadler – Yes; Mr. Shelton – Yes; Ms. Evans – Yes, Mr. Wissinger – Yes. The motion passed.

Engineer Grosse talked about the ditch on Main Street. He said he has looked at it and doesn't see it as a drainage issue and it is functioning now. He said the property owners have been taking care of it which allows it to be in good shape. He said hydraulically it is not an issue. He said it flows and doesn't flood. He said he doesn't feel the Village needs to spend the money on closing in the ditch for any of our purposes. He said if the property owner wants to close it in, that is a possibility as long as it is done to the Village's standards. He said if the property owners wants to put up a retainage wall along the side that is fine as long as it is approved by the Village. He said at this point, he is not going to recommend to Council to move forward with closing the ditch. He did say however, he will do whatever Council chooses to do. Mayor Hammond asked how many ditches does the Village own. Engineer Grosse said the Village has quite a few waterways running in and out of it and doesn't want to give an exact quote. He said some ditches Council may want to close in the future and some of them are too large to close. Engineer Grosse said in his opinion, this is not something that needs to be done on this particular drainage way. Ms. Evans asked Engineer Grosse if he had seen the pictures that the property owner had given Council. Engineer Grosse said he had not. Ms. Evans suggested Engineer Grosse and the rest of Council look at the photos. She said they were taken after it had rained. Engineer Grosse said the photos show the ditch is doing its job and containing the water and not allowing any flooding. He said you are going to have standing water in any ditch after it rains. Mayor Hammond asked how long this particular ditch had been there. Engineer Grosse said approximately 35 years. He said the section to the south had been closed in by the property owner. No Village dollars were spent. They wanted to put up a garage and have green space so they opted to close in their section of the ditch. Engineer Grosse said closing in of ditches is more of a beautification thing. Mayor Hammond said the ditch was present when the land was purchased and the home was built. He said the land owner was aware that this was a preexisting situation and still chose to buy the lot and build on it. He said there was a variance requested and approved to build a smaller home. He said he has heard amounts in the range of \$ 20,000 - \$ 30,000 to close the ditch. Engineer Grosse said it would cost \$15,000 - \$ 20,000. He said there is more to it than just putting in a pipe and covering it up. He said the property owners to the north and south of the ditch have drainage pipes draining into the ditch. They would all have to be tied in somehow. He said additional catch basins would have to be installed as well. Mayor Hammond said there are a lot of ditches in the Village. He said if Council wants to spend \$ 20,000, how are they going to prioritize as to what ditch gets done and what doesn't. Mayor Hammond said he and Engineer Grosse have been accused of not doing their job properly when it comes to this particular ditch and it is time for Council to say yay or nay and put this behind us. Mr. Laxton asked if this ditch meets environmental guidelines. Engineer Grosse said there are no environmental guidelines per say. He said hydraulically it is handling the flow and even the pictures prove that. He said there are no flooding issues which is another thing they look for. He said to go in and reshape the ditch would be a mess and could cause more issues. Mr. Laxton said there is no problems with the function of the ditch, just how it looks. Engineer Grosse said that was correct. Mr. Geiger asked where the ditch drains to. Engineer Grosse said it loops around and ends up draining into the Scioto River. He said from an engineering standpoint, there is nothing that is causing any concerns. Mayor Hammond asked Council for a motion to do something or not do anything at this point. He said this ditch has been talked about for over a year and it is time to make a decision. Ms. Evans asked if a motion was needed to not do anything. Mayor Hammond said a motion could be made to leave things as they are or to spend the money and close in the ditch. These were their two options that were on the table. Solicitor Hess said a motion was not needed. He said Council has heard the report from Engineer Grosse and if anyone feels either way, they can make a motion or just leave it as it is with Engineer Grosse's recommendation. Ms. Evans feels Engineer Grosse has done his due diligence and there is no action from Council needed. Mayor Hammond asked how Council gets closure on this item. Solicitor Hess said the closure is, Engineer Grosse made his recommendation that everything is working properly and Council chooses to do nothing at this time.

Another item Engineer Grosse brought up was the closing of the alleys. He said he and Solicitor Hess need direction from Council as what they would like to have happen on the two sections of Oak Alley. Solicitor Hess said a decision was made to move forward with the closing of these two sections. He said work needs to be done on Engineer Grosse and Solicitor Hess's part and bring it to Council. Mr.

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Shelton asked if a public hearing was going to be held. Solicitor Hess said yes. Engineer Grosse apologized for not knowing that and said he would work with Solicitor Hess to get this taken care of. Engineer Grosse would like to schedule a meeting with the Streets Committee to come up with a priority list. He said he will come up with a list of recommendations to present to Council for the budget. He said even if we don't do any new streets, he would like to do some maintenance on the existing streets.

Engineer Grosse asked about sidewalks for the Village. He said they are being used. He said he has some ideas for new sidewalks in the Village and needs some direction whether Council wants to move forward with additional sidewalks or hold off for another year. He said if there is interest, he would like to get the bids put together during the winter months and be ready to start work in the spring. Engineer Grosse said there are a lot of existing sidewalks that are in questionable shape. He said Council might want to set some guidelines for the replacement of the existing sidewalks. He gave an example of a sidewalk that was put in previous to 1965, Council would spend the money to replace it and bring it up to standard. From that point on, the property owner would be responsible. He said anyone who would have an existing sidewalk that was put in after 1965, would be the property owners' responsibility to bring it up to standards. Again, this was just an example. He said as we have put in the new sidewalks, this is a cost the Village paid for one time and is now the property owner's responsibility. Ms. Evans said there was discussion of streets and sidewalks in the budget committee meeting. She said we were looking into spending other funds to put in the sidewalks. Fiscal Officer Hastings said she was unsuccessful in reaching the auditor today, however would try again tomorrow. She explained to Engineer Grosse that they were thinking about the possibility of spending state highway funds as long as the sidewalk was going along St. Rt. 762. Mr. Geiger asked Engineer Grosse what he is going to propose for placement of sidewalks. Engineer Grosse said he would put together a drawing to show what he has as preliminary locations for sidewalks in the Village.

C. Village Solicitor's Report – Solicitor Hess said there was three pieces of legislation for tonight. He said Resolutions 17 & 19 are basic end of year resolutions that deal with budgetary issues. He said Resolution 18 has to deal with moving money from the General Fund into the Police Enforcement Fund. He said every time an OVI has been sent to Pickaway County Municipal Court and a conviction is made, the Village receives a portion of the fine money. He said it has been brought to our attention in the last few months that this money should have been deposited into the Police Enforcement and Education Fund instead of the General Fund. Solicitor Hess said Fiscal Officer Hastings has gone back and calculated an amount that has been deposited into the General Fund from these fines. The total of \$ 1,100 is what is being asked to be moved into this newly created fund by Resolution 18.

Solicitor Hess said he had discussion with Mayor Hammond and Engineer Grosse regarding the replacement of the existing sidewalks in the Village. He feels it would be hard to draft legislation that would split the responsibility of the sidewalks. He commented on how it would be determined on what was put in pre 1960, being that some people would be responsible and some wouldn't. He feels the better way, from a legislative standpoint, would be to complete whatever sidewalk repair Council wants to do and then transfer the ownership over to the property owner. He said if we put in new sidewalks where none exist now, we can then pass legislation transferring ownership to the property owner.

D. Police Department Report – Chief Jordan said there was no monthly report for this evening. He said Halloween night went very well with no major incidents. He said a good presence was made by his officers. Chief Jordan said Officer Kelly started a full time position with the Ohio State University Hospital but was interested in the less than 30 hour position. He said Officer Greathouse who is working the less than 30 hour position now is interested in becoming a 30 hour officer. Chief Jordan said he has received another applicant that is interested in either a 30 hour or auxiliary position. He said he is working on his background check. Chief Jordan said Officer Greathouse is doing a pretty good job. He has been on multiple calls and seems to handle himself well.

E. Village Administrator – No report

F. Fiscal Officer Report – Fiscal Officer Hastings gave the following report: Balances as of October 31, 2014 are as follows: General Fund - \$ 993,280.48; Street Construction Maintenance and Repair – \$ 198,764.18; State Highway - \$ 15,615.41; Parks and Rec - \$ 2,908.57; Permissive Motor Vehicle – \$ 7,484.76; Housing Development - \$ 13,356.74; Water Operating - \$ 2,031,948.82; Sewer Operating - \$ 1,896,303.41; Garbage Operating - \$ 19,917.14.

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**Legislative Reports:**

1. Randy Shelton – Mr. Shelton said there was good police presence on Halloween night. He feels everything went smooth.
2. Nicole Evans – Nothing to report
3. Clarence Wissinger – Mr. Wissinger reported there had been a meeting regarding temporary budget. He said projected revenues and expenditures were discussed. He is recommending to Council to reduce the income tax by ¼%. He asked Solicitor Hess to draft an amendment to the original ordinance to adjust the income tax to .75%. He would like this to be able to be effective January 2015.
4. David Sadler – Nothing to report
5. Mark Geiger – Nothing to report
6. Brad Laxton – Nothing to report

At this time, Mayor Hammond opened the floor for citizen's comments. Mr. Mike Havens of 15 Front Street said he was having issues with rain water draining off of his neighbor's roof on to his. He said the neighbor put on a tin roof and did away with the gutters. He said the roof is extended out 6" and it now shoots the water off on to his roof. Mr. Havens said he has a flat roof on his building all of the rain water from the neighbor's building which is taller, is draining onto his roof causing damage. He said he has turned it in to his insurance. He said he has talked to our Zoning Inspector and was told there was nothing we could do to make his neighbor put the gutter back up. He said he met with the owner of the building next door asking him to put the gutter back on. Mr. Havens said the neighbor said he doesn't have the money to install a gutter on the new roof. Mr. Havens is asking Council for their help in getting this situation fixed. Solicitor Hess said he would speak with our Zoning Inspector. Mr. Havens said our Zoning Department is who sent him to the Circleville Building Department for some help. Mayor Hammond asked Solicitor Hess what the next step was. Solicitor Hess said he will look through our ordinances and speak to Gary Griensenbrock, Zoning Inspector for the Village and see if there is anything we can do to help with this situation. Mr. Havens asked who he would be hearing from. Solicitor Hess advised him to come back to Council.

Mr. Jim Kuzelka said he was disturbed with the recommendation to reduce the income tax. He said everyone could write a budget that would reflect allowing this reduction. He said it was designed to improve the Village. He said if we reduce it ¼% now, it will be asked to reduce it another ¼% next year. He said it was put into place to make this Village move forward. He said improvements like sidewalks, bike paths, a splash pad and parks to entice people to come into our Village and make it grow is what the tax was set up for. Mr. Kuzelka said it is hard work to improve the Village, but not hard to allow it to sit and fall back 20 years. He said he doesn't think anyone wants it to go back to how it was 20 years ago and that is what is going to happen if they reduce the tax. He said he hasn't seen the budget for next year, however knows there was quite a bit of money put away for a rainy day. Mr. Kuzelka mentioned a letter he had received from Mr. Wissinger who stated he was a libertarian and that he didn't see a need for anymore sidewalks and that road repairs would come to a minimum. Mr. Kuzelka said that is not what he wants to see happen in this Village. Mr. Wissinger told Mr. Kuzelka that he was a minority. Mr. Wissinger said the people voted for them. Mr. Kuzelka said he knows there were some people upset about how the income tax ordinance was passed and felt that the money was used to build the municipal building. Mr. Kuzelka said he knows the money wasn't used to build the building because of "rainy day" funds that were found and used for that purpose. He said it is a very functional building that isn't out of the normal for other municipalities. He said he could go on and on about the building, however what he really wants to go on and on about is the future of the Village. Mr. Kuzelka said the income tax wasn't hurting him. He said he wasn't starving because he had to pay it. He said it is all relevant on what you make. He said once you retire, you won't have to pay it any longer. He said he isn't mad about having to pay the tax. He said the money is here to help the Village grow. He said there are subdivisions that are wanting to grow and get bigger and the only way to do that is to offer things to make the people come to our Village. He told Council it was up to them or the next administration to continue on and make that happen and you can't do that by lowering the funds that you have. Mr. Kuzelka said Genoa Crossing needs to have their roads repaired that will take some serious funding. He said he would love to have a bike path that connects every subdivision into the Village. He said a lot of communities have them. Mr. Kuzelka feels that by reducing the income tax, we will be moving the Village backwards. He told Council it is their job to make the Village move forward not backwards. Ms. Evans said she feels there wouldn't have been a recommendation to reduce the income tax if the budget committee felt it would be moving the Village backwards. She said she feels the numbers were looked at pretty diligently. She said there aren't very many people coming to Council asking them to put in bike paths either. Mr. Kuzelka said there aren't very many people coming to the meetings but if you would do a poll, he doesn't believe very many people will complain about paying the income tax. Mr. Wissinger and Ms. Evans said people are complaining about paying it. Mr. Kuzelka asked who was complaining. Mr. Wissinger feels that is why there are new faces on Council due to people complaining about the tax. He said they are spending the money on

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roads based on what recommendations are made by Engineer Grosse. Mr. Kuzelka said he would like to see parks and bike paths. Mr. Wissinger said we could generate revenue by taxing roof tops as well. Mr. Kuzelka said as more rooftops come in, our tax money goes up and so do the needs for the growing population. Mr. Wissinger said he was only asking for a ¼% reduction. Mr. Kuzelka said he knows another ¼% reduction will be asked for next year.

Mr. Steve Kaiser said our ¼% reduction this year will probably be ½% next year. He said if we have that much money left over, the General Fund can also fund our police department full time. He said the money could be used for public safety and not use it for roads, streets, sidewalks or parks. He said it could go for stopping crime. He said a few meetings ago, he told Council how many drug houses were in the Village and asked Council if they knew what they are going to do about them. He asked Council if they knew any other ways they were going to straighten up the police department. He did say that it was moving in the right direction with getting a couple more officers on board. Mr. Kaiser asked Council if a mediator had been down to speak with Chief Jordan and Mayor Hammond yet. He himself replied that it hasn't happened. He then asked if an internal investigation had been done regarding the officer that had changed a report. Again he answered his own question with a "no it has not" response. Mr. Kaiser said we still aren't doing things and they are getting swept under the rug. He said he was not giving up on the police department and didn't think Council wanted him to open a can of worms and move on to other topics of the Village. He said he will continue on with discussing the police department since he invested a lot of time sitting on Council and building a department. Mr. Kaiser told Mayor Hammond that he was past the time from of the Sunshine Law with filling his public records request. He said that he would think Solicitor Hess would strongly suggest to Mayor Hammond that the transparency act be read by Council and that his documents he requested be given to him. He said he wouldn't mind working with someone from Council to review the requested documents and find the answers he is looking for. He said he is here to work with the Council and not against them. He said things need to be fixed and not swept under the rug. Solicitor Hess told Mr. Kaiser that all public records requests go through him. He said that he had reviewed Mr. Kaiser's request and some of the documents, the contracts, didn't have complete signatures, however he did receive them back today and sent Mr. Kaiser's copies in today's mail. Mr. Kaiser said that was great. He then asked about the other documents that he requested. Solicitor Hess said we did not have the other documents that Mr. Kaiser had requested. Mr. Kaiser told Solicitor Hess that he, meaning Solicitor Hess, had a right to get them under the transparency act because we are in contract with the County. Mr. Kaiser said he can go and get them, however it is our job to supply them for him. Solicitor Hess told Mr. Kaiser that he is getting the copies of the contracts. He said the Ohio Revised Code said we need to give Mr. Kaiser what we have. He said we do not have to create a document. Solicitor Hess said we do not have some of the requested documents or do we maintain these documents that were requested. He said that he had detailed this information in the letter that he sent to Mr. Kaiser. Mr. Kaiser said he hadn't received anything yet. Solicitor Hess said that it had just gone out in today's mail. Mayor Hammond informed Mr. Kaiser that as of Saturday morning, we had not received the invoice for the extended contract. Fiscal Officer Hastings said she received it today. Mayor Hammond said the last time he had spoken with the Sheriff to request a few hours of coverage, Sheriff Radcliff told him we wouldn't be billed for these hours since we still had hours under our contract that hadn't been filled. Mayor Hammond said we have not paid for something that we have not gotten and wanted to get that item cleared up. Mayor Hammond said we received the first bill and compared it to timesheets with hours worked and everything matched up. He said the statement that Mr. Kaiser had made at the last meeting that the Village had paid for hours that they didn't have coverage was an incorrect statement. Mr. Kaiser asked Mayor Hammond if he checked the hours that the Sheriff was inside the Village and when he was not. He asked how many County calls the Sheriff went on while he was clocked in for the Village or why he was on St. Rt. 762 writing tickets, outside of the Village, when he was on our time. Mayor Hammond said the only way that he knows that could be monitored was..... Mr. Kaiser said by GPS coordinates that are in the cars and that was why he requested it. Mayor Hammond referred that to Chief Jordan because he was the coordinator with the Sheriff's department. Mr. Kaiser told Mayor Hammond that he is still his boss. Mayor Hammond said he understood that, however he left it up to the Chief because that was something that he wouldn't know about. Mayor Hammond said the only time the Sheriff would leave the Village was on an emergency call. Mr. Kaiser said that isn't what happened and he was just trying to help the Mayor out. He said during his 25 years of professional emergency service he dealt with the Sheriff's office and nothing has changed. He said the ordeal that he tried to tell Mayor Hammond and Council with contracting with the Sheriff, has happened just like he said it would. He said the same things happened in Mt. Sterling and Williamsport. Mr. Kaiser said he has seen the Sheriff car setting out at the entrance to the water plant clocking people driving on St. Rt. 762. He said that is not the Village's jurisdiction. He said the entrance to the plant is Village property, however there is no Village jurisdiction coming into the Village out there. Mr. Kaiser said the GPS coordinates will show that we are paying for time that we are not getting. Mayor Hammond asked Mr. Kaiser how he knew that the Sheriff was on our dime when he was parked there, and answered it with "you wouldn't". Mr. Kaiser said the Sheriff was present in the Village a lot more when he was trying to get our contract. He said now you don't see them at all. Mayor Hammond said that was an incorrect statement and the Sheriff did not do this Village wrong. He said the Sheriff that is in now

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has been nothing but open and willing. He said he did not solicit us, however we did solicit him. Mr. Kaiser said that was fine but wanted to make sure we are getting what we paid for. Mr. Kaiser said the budget that Council is operating on now for the police department is more than he had to operate the entire Village on when he was on Council. He feels he could take our current budget and put a full time officer on, a part time officer on and still have the reserve officers working and giving us almost 24 hours of coverage for the Village. He said the extra money that Mr. Wissinger wants to cut in taxes, added with what is already budgeted for the police department, and he knows that he can get full time coverage. He told Council they could have a full time police department for this Village, if they do it right. He said with the right Administration and leadership along with communication it can be done. He said we do not have that right now. He said we were supposed to have had a mediator in by now to fix the communication between the Mayor and Chief and that hasn't happened yet. Mayor Hammond and Mr. Shelton told Mr. Kaiser his 5 minutes were up.

Mr. Scott O'Neil said the sidewalks on Main and Congress Streets look great. He said the one on E. Scioto Street was patched and look terrible and a wheelchair could not use them. He asked if Council does more sidewalks in the future, do not piecemeal them together, rather tear them out and replace the entire strip. Mayor Hammond said it was done that way because there was an existing sidewalk and we had no authority to tear out someone else's property. He said the only sidewalks we put in were where there were no sidewalks to begin with. Mr. O'Neil said listening to Solicitor Hess earlier, we could have the authority to do that. Mayor Hammond said it takes an ordinance or we could have deemed it a necessity and charged the homeowner the total cost to replace it. He said that wasn't something that he was interested in doing. Mr. O'Neil said he was talking about in the future, however he would encourage Council to take a look at what was done so that it is not done that way again. Mr. Shelton said he understood Mr. O'Neil's point. Mr. O'Neil asked about some of the sidewalks in Phase 1 of Walker Point. He said the handicap ramps lead to nowhere nor have the ADA bumps. Engineer Grosse said each time a lot is sold and the house is put on the lot, the sidewalk is completed. He said the ramps are different and need to be put in during the beginning phases. Mr. O'Neil said he agrees, however he is talking about the phase that is completely developed now. Engineer Grosse said he did not look at that part, however he will. Mr. O'Neil asked Council and the Street Committee to look at replacing Walker Road. He said from the Denny and Janet Hutchins' house to St. Rt. 762 needs repaired. Mayor Hammond said we own half of the road and the township owns the other half. Engineer Grosse said some of the repair work that we paid for on the township side was due to some of the utility improvements that were put in when the new houses were built. Mr. O'Neil suggested working with the township to get the road repaired. Mr. O'Neil asked about curbside recycling. Is it something that could be added to our contract? He would like for this service to be talked about and possibly added to our next contract. He said the cost would be passed on to the residents and not cost the Village anything. Mayor Hammond said if the customer wants this service, they could call the company and set up the service on their own if they want it. He said he has an issue with charging everyone for a service that not everyone wants. Mr. O'Neil was looking at a cost savings to the residents by doing the entire community instead of each individual signing up on their own. He said the recycle bins at the township building are always stuffed. Again, Mayor Hammond said he has a concern with imposing a cost on customers that don't want or need the service. Mr. O'Neil would like for Council to consider looking into this service.

**Legislation:**

**Resolution 17-2014** A RESOLUTION TO MAKE TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF COMMERCIAL POINT, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2015 Mayor Hammond read this resolution, title only for the second reading.

**Resolution 18-2014** A RESOLUTION TO TRANSFER FUNDS FROM THE GENERAL FUND FROM THE TRANSFERS OUT ACCOUNT 1000-910-910 AND TRANSFER SAID MONIES TO THE POLICE ENFORCEMENT AND EDUCATION FUND 2271-931 TRANSFERS IN ACCOUNT. Mr. Laxton made a motion, seconded by Mr. Geiger to suspend the three readings. Ms. Evans asked how far back we went for the calculation. Fiscal Officer Hastings said she went back to 2008. A roll call vote was taken: Mr. Laxton – Yes; Mr. Geiger – Yes; Mr. Sadler – Yes; Mr. Shelton – Yes; Ms. Evans – Yes, Mr. Wissinger – Yes. The motion passed. Ms. Evans made a motion, seconded by Mr. Sadler to adopt Resolution 18-2014. A roll call vote was taken: Mr. Laxton – Yes; Mr. Geiger – Yes; Mr. Sadler – Yes; Mr. Shelton – Yes; Ms. Evans – Yes, Mr. Wissinger – Yes. The motion passed.

**Resolution 19-2014** A RESOLUTION TO REALIGN MONIES WITHIN THE SEWER FUND FROM THE OTHER CAPITAL OUTLAY ACCOUNT 5201-549-590 AND TRANSFER IT TO THE ELECTRICITY ACCOUNT 5201-549-311 AND DECLARE AN EMERGENCY. Mr. Wissinger made a motion, seconded by Ms. Evans to suspend the three readings. A roll call vote was taken: Mr. Laxton – Yes; Mr. Geiger – Yes; Mr. Sadler – Yes; Mr. Shelton – Yes; Ms. Evans – Yes, Mr. Wissinger – Yes. The motion passed. Mr. Shelton made a motion, seconded by Mr. Laxton to adopt Resolution 19-2014 and declare an emergency. A roll call


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**November 3, 2014**

vote was taken: Mr. Laxton – Yes; Mr. Geiger – Yes; Mr. Sadler – Yes; Mr. Shelton – Yes; Ms. Evans – Yes, Mr. Wissinger – Yes. The motion passed.

At this time Solicitor Hess explained the three options Council had to collect the past due tax dollars for the delinquent accounts. He recommended to Council to allow RITA to follow through with the litigation on these dollars. He said it is more cost effective to allow RITA to do it. He said a motion was needed to move forward with this. If Council didn't want to move forward, no motion was needed. Mayor Hammond said this was talked about last year. He said Solicitor Hess and Fiscal Officer Hastings are the only two individuals with access to the list. Mayor Hammond said it would be up to them to decide who we go after and who we don't. Fiscal Officer Hastings said we cannot pick and choose who we collect from. We either collect from all or none. Mr. Wissinger asked what the dollar amount was to be collected. Solicitor Hess said roughly \$ 25,000. Mr. Shelton asked who would be paying for the services. Fiscal Officer Hastings said the Village would pay by ways of a deduction coming out of our monthly distribution deposit. Mr. Wissinger asked what the statute was on collecting the money. Solicitor Hess said RITA has a three year limit. He said he wasn't sure on the municipal judgment. He said on a common pleas judgment it was seven years. He thinks the municipal judgment is below seven years but isn't sure. He said continuances are allowed to keep the judgment alive. Ms. Evans asked if there would be a quarterly update from RITA on their status. Solicitor Hess said he wasn't sure of how often they report back, but he does know that they do. He said the City of Circleville is very satisfied with the services from RITA. Mr. Wissinger asked if payments were matched up with invoices. Solicitor Hess said he thought so, however if you feel you receive a document from RITA that isn't correct, contact them immediately to get it worked out. He said the people on this list are people that have defaulted on their payment plan or have not responded to anything RITA has sent them. Mr. Sadler made a motion, seconded by Mr. Shelton to move forward with the RITA litigation. A roll call vote was taken: Mr. Shelton – Yes; Mr. Laxton – Yes; Ms. Evans – Yes; Mr. Geiger – Yes; Mr. Wissinger – Yes; Mr. Sadler – Yes. The motion passed.

Ms. Evans made a motion, seconded by Mr. Wissinger to adjourn the meeting. All members were in favor. The meeting adjourned.

  
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Joe Hammond, Mayor

  
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Wendy L. Hastings, Fiscal Officer